

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 163

HOUSE BILL 2018

AN ACT

AMENDING SECTION 12-284, ARIZONA REVISED STATUTES; RELATING TO SUPERIOR COURT FEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 12-284, Arizona Revised Statutes, is amended to read:

12-284. Fees

A. Except as otherwise provided by law, the clerk of the superior court shall receive fees classified as follows:

Class	Description	Fee
A	Initial case filing fee	
	Tax case	\$115.00
	Filing complaint or petition	115.00
	Filing intervenor	115.00
	Additional plaintiffs	115.00
	Filing foreign judgment	115.00
	Ownership of real property becomes an issue plaintiff	115.00
	Appellant	
	(EXCEPT UNDER sections 12-1809 and 13-3602)	115.00
	Change of venue to this county	115.00
	Petition for change of name	115.00
	Filing a process server application	115.00
B	Subsequent case filing fee	
	Filing answer or initial appearance	\$ 61.00
	Additional defendants	61.00
	Notice of appeal to appellate courts	
	(except under section 12-2107)	61.00
	Cross-appeal by appellee (except under section 12-2107)	61.00
	Ownership of real property becomes an issue defendant	61.00
	Jurisdiction exceeded appellee	
	(within 20 days of filing)	61.00
	Response to show cause which does one or more of the following:	
	1. Request affirmative or counterrelief	
	2. Attacks process of proceedings	
	3. Takes other affirmative action	61.00
C	Initial case filing fee	
	Filing petition for annulment	\$ 91.00
	Filing for dissolution/legal separation petition	91.00
	Petition in formal testacy or appointment proceeding	91.00
	Application for informal probate or informal appointment	91.00
	Petition for supervised administration petition to appoint guardian	91.00
	Petition to appoint conservator or make other protective order	91.00

1	Opposing petition in testacy or appointment	
2	proceedings or appointment of guardian or	
3	conservator	91.00
4	Single estate application or petition under	
5	title 14, chapter 3, section 14-3938	91.00
6	Domestic relations case for which a fee is not	
7	specifically prescribed	91.00
8	D Subsequent case filing fee	
9	Filing answer to annulment	\$ 46.00
10	Filing for dissolution/legal separation answer	46.00
11	Any person opposing contested petition if no	
12	prior payment made	46.00
13	Postadjudication petitions in	
14	domestic relations cases	46.00
15	Postjudgment activities in probate cases	46.00
16	E Minimum clerk fee	
17	Filing power of attorney	\$ 18.00
18	Change of venue to another county transmittal	
19	fee	18.00
20	Change of venue to another county on section	
21	12-404, transmittal fee	18.00
22	Filing transcript and docketing judgment from	
23	any courts	18.00
24	Issuance of writs of: attachment, execution,	
25	possession, restitution, prohibition and	
26	enforcement of order of judgment-garnishment	18.00
27	Certified copy or abstract of marriage	
28	application or license	18.00
29	Filing oath and bond of notary public	18.00
30	Certificate of correctness of copy of record	18.00
31	Justice of peace certificate	18.00
32	Notary public certificate	18.00
33	Each certificate of clerk to any matter in	
34	clerk's record not specifically provided	18.00
35	Filing any paper or performing any act for which	
36	a fee is not specifically prescribed	18.00
37	Subpoena - (civil)	18.00
38	Research in locating a document (per year or	
39	source researched)	18.00
40	Exemplification (per certification)	18.00
41	Authentication (per certification)	18.00
42	Seal a court file	18.00
43	Reopen a sealed court file	18.00
44	Retrieve bank records	18.00

1	Reel of film alpha index per year (plus per page	
2	fee below)	18.00
3	Payment history report	18.00
4	Certification under one document certification	18.00
5	Civil traffic appeal	18.00
6	F Per page fee	
7	Making copies (on appeal and on request)	
8	per page	\$.50
9	Making extra copies per page	.50
10	Making photographic or photostatic copies	
11	per page	.50
12	Comparison fee of papers furnished by applicant	
13	per page	.50
14	Alpha index per page	.50
15	G Special fees	
16	Small claim tax case	\$ 15.00
17	Marriage license and return hereof	50.00
18	Postage and handling	5.00
19	Notary services	5.00
20	Stop payment on check	10.00

21 B. The clerk of the superior court shall receive the fees prescribed
22 in subsection A of this section for the following services:

23 1. Making copies of papers and records required to be made by the
24 clerk on appeal, and copies of papers and records in the clerk's office made
25 on request in other cases, for each legal size page of original.

26 2. Making extra copies of the papers and records mentioned in
27 paragraph 1 of this subsection, required or requested for each page of copy
28 of such papers and records.

29 3. In a clerk's office, in which a photographic or photostatic method
30 of recording is used or is available for use in cooperation with other public
31 offices, preparing copies enumerated in paragraphs 1 and 2 of this subsection
32 for each page of copy or fraction of a page of copy. Portions of several
33 pages of records may be combined in one page of copy. The clerk may prepare
34 an abstract of marriage in lieu of a reproduction of the recorded marriage
35 license. The fee shall apply to matters whether recorded in such office by
36 longhand, typing, electronic, photographic or photostatic methods. The fees
37 for copies are exclusive of the fees for certification or authentication.

38 4. Issuing a certificate as to official capacity of a notary public
39 or justice of the peace and affixing a seal thereto.

40 5. Each subpoena issued in a civil proceeding or filing any paper or
41 performing any act for which a fee is not specifically prescribed by law, but
42 the clerk shall not charge for the clerk's services in administering the oath
43 in connection with any affidavit, petition, letters or other pleading or
44 document which, after administration of the oath therefor, is promptly filed

1 by the clerk and becomes a part of a case or matter of record in the office
2 of the clerk.

3 C. In addition to the fees required by subsection A of this section,
4 the clerk shall charge and collect a surcharge of fifteen dollars for each
5 filing of a postadjudication petition in a domestic relations case for which
6 a fee presently is charged under class D in subsection A of this
7 section. The surcharge shall be used exclusively to fund domestic relations
8 education and mediation programs established pursuant to section
9 25-413. Each month the clerk shall transmit the monies the clerk collects
10 pursuant to this subsection to the county treasurer for deposit in the
11 domestic relations education and mediation fund established by section
12 25-413.

13 D. Excluding the monies that are collected pursuant to subsection C
14 of this section, each month the clerk shall transmit seventy-five per cent
15 of the monies collected for subsequent case filing fees for postadjudication
16 petitions in domestic relations cases under class D in subsection A of this
17 section to the county treasurer for deposit in the expedited child support
18 and parenting time fund established pursuant to section 25-412. The
19 remaining twenty-five per cent of the monies collected pursuant to this
20 subsection shall be distributed pursuant to section 12-284.03.

21 E. At the commencement of each action for annulment, for dissolution
22 of marriage, ~~or for~~ legal separation, MATERNITY OR PATERNITY, the petitioner
23 shall pay to the clerk of the court the initial case filing fee for the
24 action provided in subsection A of this section. At the time of filing a
25 response, the respondent shall pay to the clerk of the court the subsequent
26 case filing fee for the action provided in subsection A of this section. In
27 each county where the superior court has established a conciliation court,
28 the petitioner and respondent shall each pay to the clerk a sixty-five dollar
29 fee. The monies from the additional fee shall be used to carry out the
30 purposes of the conciliation court pursuant to title 25, chapter 3, article
31 7.

32 F. In garnishment matters:

33 1. A fee shall not be charged for filing an affidavit seeking only the
34 release of exempt wages.

35 2. A fee shall not be charged for filing a garnishee's answer, for
36 filing a judgment against the garnishee or for the issuance or return of
37 process incident to such a judgment.

38 3. For any contest relating to or any controversion of a garnishment
39 matter, unless the contesting party has paid an appearance fee in that cause,
40 the required appearance fee shall be paid, except that the garnishee shall
41 not pay a clerk's fee.

42 G. A person who is cited to appear and defend an order to show cause
43 shall not be charged an appearance fee. The person may stipulate to or
44 consent to the entry of an order without the payment of an appearance

1 fee. An appearance fee shall be paid if the person is present in person or
2 by an attorney and does one or more of the following:

- 3 1. Requests affirmative relief or counterrelief.
- 4 2. Attacks the sufficiency of process or the proceedings.
- 5 3. Takes other affirmative action.

6 H. A petitioner shall not be charged a fee for requesting an order of
7 protection pursuant to section 13-3602 or an injunction against harassment
8 pursuant to section 12-1809. A defendant shall not be charged an answer fee
9 in an order of protection action if the defendant requests a hearing pursuant
10 to section 13-3602, subsection I or in an injunction against harassment
11 action if the defendant requests a hearing pursuant to section 12-1809,
12 subsection H.

13 I. A person who files a registrar's order pursuant to section
14 32-1166.06 shall not be charged a fee.

15 J. Except for monies that are collected pursuant to subsections C, D
16 and E of this section, the clerk of the superior court shall transmit monthly
17 to the county treasurer all monies collected pursuant to this section for
18 distribution or deposit pursuant to section 12-284.03.

APPROVED BY THE GOVERNOR MAY 7, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2003.

Passed the House March 12, 2003,

Passed the Senate April 30, 2003

by the following vote: 54 Ayes,

by the following vote: 29 Ayes,

0 Nays, 6 Not Voting

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Klu Blunett
President of the Senate

Norman L. Fyore
Chief Clerk of the House

Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of May, 2003

at 9:11 o'clock A M.

Sandra Hamer
Secretary to the Governor

Approved this 7 day of

May, 2003,

at 10⁰⁰ o'clock A. M.

Jan Noyes
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2003

at 4:09 o'clock P. M.

Janice K. Brewer
Secretary of State

H.B. 2018